

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
JEFFERSON CITY DIVISION

DANIEL GEHRIG,
INDIVIDUALLY AND ON BEHALF
OF ALL OTHERS,

Plaintiffs,

v.

ON ASSIGNMENT STAFFING
SERVICES, LLC d/b/a
LAB SUPPORT, LLC,

Defendant.

Case No.: 16-4066

DEFENDANT'S NOTICE OF REMOVAL

Defendant On Assignment Staffing Services, LLC d/b/a Lab Support, LLC¹ ("Lab Support" or "Defendant"), by counsel, pursuant to 28 U.S.C. §§1331, 1332, 1441 and 1446, hereby removes this action from the Circuit Court for Cole County, Missouri to the United States District Court for the Western District of Missouri, Jefferson City Division, and in support thereof state as follows:

1. Lab Support is a Delaware limited liability corporation with its principal place of business in Calabasas, California.
2. Upon information and belief, Plaintiff Daniel Gehrig ("Plaintiff") is a resident of the State of Illinois.
3. Jurisdiction is vested in this Court pursuant to 28 U.S.C. §§1331, 1332, and 1441, and the Fair Credit Reporting Act, 15 U.S.C. § 1681 (the "FCRA").

¹ Plaintiff's Complaint erroneously names Defendant as On Assignment Staffing Services, LLC d/b/a Lab Support, LLC. Defendant On Assignment Staffing Services, LLC does business as "Lab Support" and not "Lab Support, LLC." This Notice of Removal is deemed filed on behalf of the incorrectly named Defendant, as well as the proper party as explained herein. The case caption should be amended accordingly.

4. This civil action commenced in the Circuit Court for Cole County, Missouri, on or about February 4, 2016, with the filing of a Complaint by Plaintiff, styled as *Daniel Gehrig v. On Assignment Staffing Services, LLC d/b/a Lab Support, LLC*,² Case No. 16AC-CC00043.

5. Lab Support was served with a copy of the Complaint on February 4, 2016 through its Registered Agent in Missouri. Accordingly, this Notice of Removal has been filed within 30 days after the Defendant was served with this action, and is thus timely. Attached hereto, and made a part hereof, are copies of all process and pleadings in the Circuit Court, including the Complaint and the Summons. *See Exhibit A.*

6. As set forth in the Complaint, Plaintiff has brought purported class action claims against Lab Support arising under the FCRA. Indeed, in paragraph 1 of the Complaint, Plaintiff states: "Plaintiff brings this action against Defendant for violations of the FCRA."

7. The above-styled action is a civil action that involves a federal question over which this Court has original jurisdiction pursuant to 28 U.S.C. §1331, as this action involves claims arising out of the Constitution, laws and/or treaties of the United States – specifically the FCRA, 15 U.S.C. §1681. This matter is therefore removable to federal court.

8. In addition, this Court has jurisdiction pursuant to 28 U.S.C. §1332 because there is diversity among the parties. Specifically, Plaintiff alleges in paragraph 16 of the Complaint that he is a citizen of Illinois. Defendant is a citizen of Delaware and California because it is a Delaware limited liability company and its principal place of business is in Calabasas, California. In addition, the amount in controversy, as is alleged in the Complaint, exceeds \$75,000.

9. A Notice of Filing of Notice of Removal is being filed contemporaneously with the Clerk of the Circuit Court for Cole County, Missouri. A copy of the Notice of Filing of Notice of Removal is attached as *Exhibit B.*

² See Footnote 1.

10. Lab Support will also promptly give Plaintiff written notice of the filing of this Notice of Removal.

WHEREFORE, Defendant On Assignment Staffing Services, LLC d/b/a Lab Support, LLC³ hereby requests that this action be removed to this Court.

Respectfully submitted this 22nd day of February, 2016.

ON ASSIGNMENT STAFFING SERVICES, LLC
d/b/a LAB SUPPORT, LLC

BY: /s/ Richard F. Huck, III

Richard F. Huck, III
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Counsel for Defendant

³ See Footnote 1.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 22, 2016, I caused to be served a true and correct copy of the foregoing NOTICE OF REMOVAL, via U.S. Mail, postage prepaid, on the following:

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